Washington, Saturday, July 18, 1959

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 173, Amdt. 1]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DES-**IGNATED PART OF CALIFORNIA**

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.473 (Valencia Orange Regulation 173, 24 F.R. 5593) are hereby amended to read as follows:

(ii) District 2: 785.400 cartons. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 15, 1959.

S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5915; Filed, July 17, 1959; 8:47 a.m.]

[Valencia Orange Reg. 174]

922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIG-NATED PART OF CALIFORNIA

Limitation of Handling

§ 922.474 Valencia Orange Regulation 174.

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 22. as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective

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in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recom-mendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 16, 1959.

- (b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 19, 1959, and ending at 12:01 a.m., P.s.t., July 26, 1959, are hereby fixed as follows:
 - (i) District 1: Unlimited movement;
 - (ii) District 2: 739,200 cartons;
 - (iii) District 3: Unlimited movement.
- (2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.
- (3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 17, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-5992; Filed, July 17, 1959; 11:28 a.m.]

[Lemon Reg. 801]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.908 Lemon Regulation 801.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1959.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 19, 1959, and ending at 12:01 a.m., P.s.t., July 26, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 348,750 cartons;(iii) District 3: Unlimited movement.
- (2) As used in this section, "handled,"
 "District 1," "District 2," "District 3," and
 "carton" have the same meaning as when
 used in the said amended marketing
 agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1959,

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-5973; Filed, July 17, 1959; 9:18 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7252 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Cutter Cravat, Inc., and J. Arthur Hirsch

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1056 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1280 Price. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 Fictitious preticketing.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cutter Cravat, Inc., et al., Chicago, Ill., Docket 7252, June 16, 1959]

In the Matter of Cutter Cravat, Inc., a Corporation, and J. Arthur Hirsch, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago manufacturer with preticketing its men's neckties with fictitious and excessive prices, thereby enabling retailers to mislead the public as to the quality and regular retail price.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Cutter Cravat, Inc., a corporation, and its officers, and J. Arthur Hirsch, individually and as officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of men's neckties or other articles of merchandise, do forthwith cease and desist from:

- 1. Representing, by pre-ticketing or in any other manner, that certain amounts are the usual and regular retail price of their products when such amounts are in excess of the prices at which such neckties, or other articles of merchandise, are usually and regularly sold at retail.
- 2. Supplying to or putting in the hands of retailers or others the means whereby they may misrepresent the regular and usual retail price of respondents' merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH.

Secretary.

[F.R. Doc. 59-5908; Filed, July 17, 1959; 8:46 a.m.]

[Docket 7397 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TOBIAS HABER AND INTERNATIONAL FURRIERS

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods: Fur Products Labeling Act; § 13.70 Fictious or misleading guarantees; § 13.15-prices: Retail as cost, etc., or discounted; sales below cost. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Products Labeling Act. § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Tobias Haber trading as Interational Furriers, Niagara Falls, N.Y., Docket 7397, June 16, 1959]

In the Matter of Tobias Haber, an Individual Trading as International Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturing furriers in Niagara Falls, N.Y., with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or the fact that some products were artificially colored; which contained the name of a fictitious animal,

and used the word "blended" improperly; which deceptively represented "written guarantee with each fur"; and which represented prices as reduced or below cost without maintaining adequate records as a basis therefor.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

- It is ordered, That Tobias Haber, an individual trading as International Furriers, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution, in commerce, of fur products, or in connection with the sale. manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:
 - 1. Misbranding fur products by:
- A. Failing to affix labels to fur products showing:
- (1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations:
- tions;
 (2) That the fur product contains or is composed of used fur, when such is the fact.
- (3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact:
- (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact:
- (5) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;
- (6) The name of the country of origin of any imported furs contained in a fur product:
- (7) The item number or mark assigned to a fur product:
- B. Setting forth on labels affixed to fur products:
- (1) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;
- (2) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information:

- (3) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;
- (4) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with pencil;

C. Failing to set forth the information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section:

2. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

- (1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;
- (2) That the fur product contains or is composed of used fur, when such is the fact;
- (3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact:
- (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;
- (5) The name and address of the person issuing such invoice;
- (6) The name of the country of origin of any imported furs contained in a fur product;
- (7) The term number or mark assigned to a fur product;
- 3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:
 - A. Fails to disclose:
- (1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;
- (2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact:
- (3) The name of the country of origin of any imported furs contained in a fur product;
- B. Contains a fictitious or nonexistent animal name;
- C. Sets forth the term "blended" as part of the information required under Section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs:

- D. Represents, directly or by implication, that any such fur products are guaranteed, unless the nature and extent of such guaranty and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth;
- 4. Making claims and representations respecting prices or values of fur products, unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Tobias Haber, an individual trading as International Furriers, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL]

ROBERT M. PARRISH, Secretary.

[F.R. Doc. 59-5909; Filed, July 17, 1959; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-176: Order 214]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Statement of Sales and Revenues of Independent Producers

JULY 15, 1959.

In this proceeding the Commission has under consideration the amendment of section 260, entitled "Statements and Reports (Schedules)" of Subchapter G. Approved Forms, Natural Gas Act, by the revision of § 260.5 so as to prescribe FPC Form No. 301-1957, Independent Producers' Report-1957, and FPC Form No. 301-1958, Independent Producers' Report—1958. The forms herein prescribed, identical to each other, are a revision and simplification of the FPC Form No. 301, prescribed by Commission Order No. 187 (Docket No. R-152, issued May 11, 1955, 21 F.R. 3146) and applicable to producer transactions for the year ended December 31, 1955, and FPC Form No. 301-1956, prescribed by Commission Order No. 198 (Docket No. R-162, issued November 19, 1957, 22 F.R. 9385, 18 FPC 662). The forms for 1955 and 1956 were prescribed as a result of formal rulemaking proceedings, held pursuant to section 4 of the Administrative Procedure Act, and in which objections and suggestions (submitted in response to a notice of proposed rulemaking in each proceeding) were given careful consideration by the Commission which modified its proposed forms to meet the objections which had been determined to have substance.

The form prescribed herein is a simplified version of the one used in 1956. Through rearrangement and clarification the form now being adopted is designed to reduce substantially the costs of reporting and processing without material reduction in the information requested.

The chief difference between the form prescribed herein and the 1956 form is relative to the request in 1956 for details of interests under the sales contract as well as under filed rate schedules. Where a number of producing units or leases were involved in a sales contract and producers concerned did not have interests in all of the units, the attempt to combine sales contract and rate schedule data resulted in considerable confusion and variations in reporting. Editing and cross-referencing of the material proved to be impractical. The new form limits the data to be reported in detail to the filed rate schedules of the respondents. Sales under rate schedules filed by others will, however, be included in the totals reported.

A minor revision was also made to eliminate the column in Part III of the 1956 form requesting the average rate per Mcf for sales, as this can be computed from reported data. Columns have been added to secure data on point of delivery and FPC docket number under which the sale was authorized.

The Commission's regulations exempt producers from compliance with the comprehensive accounting and reporting requirements of the Natural Gas Act. This exemption is still continued, but the Commission's experience in the regulation of producers convinces it of the necessity for at least the minimum financial data called for in the form herein prescribed in order that the regulatory responsibilities of the Commission may be viewed in relation to the relative importance and financial effects of such regulation on the regulated producers.

For the reasons set forth above the Commission finds:

- amendment (1) The hereinafter adopted including the form therein prescribed is necessary and appropriate to carry out the provisions of the Natural Gas Act.
- (2) It is unnecessary, in view of the facts set forth above, that the notice required by section 4(a) of the Administrative Procedure Act be given in this proceeding.
- (3) Good cause exists that the amendment shall become effective as hereinafter provided.

The Commission, acting pursuant to authority granted by sections 10 and 16 of the Natural Gas Act (52 Stat. 826, 830; 15 U.S.C. 717i, 717o) orders:

(A) Part 260 of the Commission's regulations entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act (18 CFR Part 260) is amended by amending § 260.5 to read as follows:

§ 260.5 Form No. 301-1957 and Form No. 301-1958, Statement of sales and revenues of independent producers.

(a) FPC Form No. 301-19571 and FPC Form No. 301-1958, Independent

Producers Report—1957 (1958) being in each case a statement of sales of natural gas made during the calendar years 1957 and 1958, respectively (or established fiscal years beginning during either of those calendar years) under rate schedules filed with the Commission pursuant to § 154.92 and § 154.94 of this chapter, including the instructions and schedules therein contained, be and the same hereby are approved.

(b) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1957, shall file with the Commission on or before August 31, 1959, two copies of such completed FPC

Form No. 301-1957.

(c) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1958, shall file with the Commission on or before October 31, 1959, two copies of such completed FPC Form No. 301-1958.

(B) The amendment to Part 260 herein prescribed is hereby made effective upon the issuance of this order.

By the Commission.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 59-5925; Filed, July 17, 1959; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54896]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Refunds of Certain Alcohol and Tobacco Taxes on Imported Merchandise

On March 18, 1959, notice of proposed rule making was published in the FED-ERAL REGISTER (24 F.R. 1987) with respect to excess deposits of internalrevenue tax occurring for various reasons which may be refunded by collectors of customs upon liquidation or reliquidation in harmony with section 6423, Internal Revenue Code of 1954 (26 U.S.C. 6423), and Treasury Department Order No. 165-2, Amendment 1, T.D. 54803 (24 F.R. 1991). No data, views, or arguments pertaining thereto were received.

To specify the types of cases to which section 6423, supra, is not deemed applicable, and for which the authority of collectors of customs to make refunds is retained under Treasury Department Order No. 165-2, dated October 29, 1953, T.D. 53368 (18 F.R. 7177), as amended, and to set forth procedures to be followed in cases which are not excepted from application of section 6423, the amendment of § 24.36 of the Customs Regulations as proposed in the notice is hereby adopted, as set forth below:

Section 24.36 of the Customs Regulations is amended as follows:

² Filed as part of the original document.

- 1. A new paragraph (d) is added to read:
- (d) The authority of collectors of customs to make refunds rursuant to paragraphs (a), (b), and (c) of this section of excessive deposits of alcohol or tobacco taxes, as defined in section 6423(e) (1), Internal Revenue Code of 1954 (26 U.S.C. 6423(e) (1)), is confined to cases of the types which are excepted from the application of section 6423, Internal Revenue Code of 1954 (26 U.S.C. 6423). The excepted types of cases and, therefore, the types in which the collector of customs is authorized to make refunds of such taxes are those in which:

(1) The tax was paid or collected on an article imported for the personal or household use of the importer;

- (2) The refund is made pursuant to provisions of laws and regulations for drawback:
- (3) The tax was paid or collected on an imported article withdrawn from the market, returned to bond, or lost or destroyed, when any law expressly provides for refund in such case:

(4) The tax was paid or collected on an imported article which has been lost, where a suit or proceeding was instituted before June 15, 1957;

(5) The refund of tax is pursuant to a claim based solely on errors of computation of the quantity of the imported article, or on mathematical errors incomputation of the tax due;

(6) The tax was paid or collected on an imported article seized and forfeited,

or destroyed, as contraband;

(7) The tax was paid or collected on an imported article refused admission to customs territory and exported or destroyed in accordance with section 558. Tariff Act of 1930, as amended;

(8) The refund of tax is pursuant to a reliquidation of an entry under section 520(c)(1), Tariff Act of 1930, as amended, and does not involve a rate of tax applicable to an imported ar-

- (9) The tax was paid or collected on a greater quantity of imported articles than that actually imported and the fact of the deficiency is established to the collector of customs' satisfaction before liquidation of the entry becomes final.
- 2. The following new paragraph (e) is added:
- (e) In any instance in which a refund of internal-revenue tax on imported distilled spirits, wines, and beer, is not of a type covered by paragraph

(1) Alcohol or Tobacco Tax. The term

'alcohol or tobacco tax' means-

(A) Any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax." (26 U.S.C. 6423(e)(1)).

(d) of this section the following procedure shall apply:

- (1) The collector shall issue a notice of refund for duty only and shall place the following statement on the notice of refund issued for duty: "Claim for refund of any overpayment of internalrevenue tax on this entry must be executed and filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located, in accordance with internal revenue regulations (Title 26 of the Code of Federal Regulations)." On request of the claimant, the collector shall issue a certified statement on customs letterhead identifying the entry, showing the amount of internal revenue tax deposited with respect to each entry for which a claim on internal revenue Form 843 is to be made, and showing the date of issuance of the notice of refund of duty.
- (2) The claim shall be executed on internal revenue Form 843 (original only) which may be procured from offices of . the Internal Revenue Service and shall be filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located. The certified statement shall be attached to and filed in support of such claim which may include refunds under more than one entry but shall be limited to refunds under entries filed in the same customs collection district and the same internal revenue region. The data to be shown on the claim shall be as prescribed in internal revenue regulations, with the exception that any data on the certified statement also required to be shown in the claim need not be restated in the claim.
- (3) The date of allowance of refund or credit in respect of such tax for the purposes of section 6407, Internal Revenue Code of 1954 (26 U.S.C. 6407) shall be that date on which a claim is perfected and the refund is authorized for scheduling under the applicable internal revenue regulations.

(72 Stat. 9; 26 U.S.C. 6423)

Because the provisions of section 6423 of the Internal Revenue Code of 1954 apply to certain claims for refund of internal-revenue tax filed after April 30, 1958, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)). Accordingly, this Treasury decision shall be effective as of the date of publication in the FEDERAL REGISTER.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

· [SEAL]

RALPH KELLY, Commissioner of Customs.

Approved: July 10, 1959.

FRED C. SCRIBNER,

Acting Secretary of the Treasury,

[F.R. Doc. 59-5931; Filed, July 17, 1959; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II-Federal Housing Administration, Housing and Home **Finance Agency**

SUBCHAPTER D-MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQURE-MENTS OF MORTGAGE COVERNG MULTIFAMILY HOUSING

Information for Preliminary Examination

Section 232.1 is amended by adding a new paragraph (e) as follows:

§ 232.1 Information for preliminary examination.

(e) The provisions of paragraph (b) (1) of this section requiring payment of a commitment fee shall not apply to mortgages insured pursuant to the provisions of § 232.30(b) (4) of this chapter. (Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Issued at Washington, D.C., July 14,

JULIAN H. ZIMMERMAN, Federal Housing Commissioner.

[F.R. Doc. 59-5927; Filed, July 17, 1959; 8:49 a.m.1

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F-RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Revisions; Institutional Phase

§ 862.9 [Amendment]

1a. In § 862.9 Categories of advanced course cadets, paragraph (d) is amended by deleting the words: " * * * in accordance with §§ 861.901 to 861.909."

b. In \S 862.9, paragraph (e)(2) is revised as follows:

(2) Within the detachment concerned, all production quota vacancies for which the individual is qualified must be filled. If quotas are not filled, the individual will be voluntarily transferred to the existing vacancy. Individuals not agreeable to such transfers will be disenrolled from Air Force ROTC.

§ 862.14 [Amendment]

2. In paragraph (c) of § 862.14, the following sentence is added: "However, under no circumstances will the requirements for successful completion of the summer training phase of the Air Force ROTC program be waived."

[&]quot;"(e) Meaning of terms. For purposes of this section-

3. Section 862.21 is revised as follows: (shall have a preferred right of selection § 862.21 Appointment as Reserves of the Air Force. (shall have a preferred right of selection under the acts of 1956 and 1958, except as against prior existing valid rights,

A member of the advanced course, Air Force ROTC, accrues no vested right to commission in any Air Force component by virtue of such membership. If otherwise qualified, such a graduate will be tended an appointment as second lieutenant, Reserve of the Air Force, upon successful completion of prescribed military training and upon the award of a baccalaureate degree from an accredited educational institution, or upon being certified by an authorized institutional official as having qualified for a degree to be officially awarded at a later date.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381-9387, 70A Stat. 527, 568-571; 10 U.S.C. 9381-9387) [AFR 45-48A, May 28, 1959]

[SEAL] CHARLES M. McDermott, Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-5934; Filed, July 17, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

> SUBCHAPTER A—ALASKA [Circular 2020]

PART 76-STATE GRANTS

State Preference Right of Selection; Waivers

Circular 2020, § 76.15(a) published in the Federal Register on June 9, 1959, is corrected to read as follows:

§ 76.15. State preference right of selection; waivers.

(a) The acts of July 28, 1956 (see § 76.7), and July 7, 1958 (see § 76.11), provide that upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the State of Alaska

shall have a preferred right of selection under the acts of 1956 and 1958, except as against prior existing valid rights, equitable claims subject to allowance and confirmation, and other preferred rights of application conferred by law other than the preferred right of application created by section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended.

Elmer F. Bennett, Acting Secretary of the Interior.

JULY 13, 1959.

[F.R. Doc. 59-5912; Filed, July 17, 1959; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS [Public Land Order 1885]

[Oregon 06727]

OREGON

Modifying Boundaries at Willamette National Forest

Correction

In F.R. Document 59-5484 appearing in the issue for Thursday, July 2, 1959, at page 5371, make the following change: Under "T. 14 S., R. 2 E.," line 8 should read "Sec. 15, W½, W½SE¼, and SE¼SE¼".

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCU-MENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" \AND ACCIDENT STATISTICS

[CGFR 59-29]

PART 172—NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

MONTANA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32,

dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 1, 1959, approved the Montana system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Montana system shall be operative on and after Monday, July 20, 1959. On that date the authority to number motorboats principally used in the State of Montana will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. These motorboats presently numbered should continue to display the Coast Guard number until renumbered by Montana. On and after July 20, 1959, all reports of "boating accidents" which involve motorboats numbered in Montana will be required to be reported to the nearest county sheriff in Montana pursuant to the Substitute House Bill No. 15, Chapter No. 285, Montana Sessions Laws of 1959.

Because § 172.25–15(a) (2), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandmant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a) (2) is prescribed and shall be in effect on and after the date set forth therein:

- § 172.25-15 Effective dates for approved State systems of numbering.
 - (a) * * *
 - (2) Montana—July 20, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 13, 1959.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 59-5930; Filed, July 17, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

I 21 CFR Part 304 3

(—) 3-HYDROXY-N-PHENACYL-MORPHINAN

Notice of Proposed Determination With Respect to Addiction-Forming or Addiction-Sustaining Liability

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60

Stat. 38; 26 U.S.C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F.R. 1480), that a determination is proposed to be made that the following named new drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

(-) 3-Hydroxy-N-phenacylmorphinan.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or ad-

diction-sustaining liability of the abovenamed drug, which are received by the Commissioner of Narcotics prior to August 21, 1959. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the abovenamed drug will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., August 21, 1959, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGIS-TER. If no written notice-of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946.

(60 Stat. 38; 26 U.S.C. 4731)

HENRY L. GIORDANO, [SEAL] Acting Commissioner of Narcotics.

[F.R. Doc. 59-5933; Filed, July 17, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket'No. AO-123-A22]

MILK IN LOUISVILLE, KY., MARKETING AREA AND LEXINGTON-FRANK-FORT, KY., AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order and on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Highway Auditorium, State Office Building, Frankfort, Kentucky, beginning at 10:00 a.m. on August 4, 1959, with respect to (1) proposed amendments to the tentative marketing agreement and to Order No. 46, regulating the handling of milk in the Louisville, Kentucky, marketing area, including a proposal to expand the marketing area to include territory in the Lexington-Frankfort, Kentucky, area, and (2) as an alternative, a proposed marketing agreement and order to regulate the handling of milk in the Lexington-Frankfort area with terms and provisions of such separate order to be identical with those contained in Order No. 46 (22 F.R. 7851, effective October 1, 1957) as proposed to be amended herein. or with other appropriate modifications

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions relating to the handling of milk in the area and in relation to the other proposals set forth below.

The hearing on the various proposals is to determine whether or not:

(a) The handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

- (b) The proposed amendments to the present Order No. 46 or the issuance of an additional order is justified; and

(c) The provisions specified in the proposals and all other provisions of the present order would tend to effect the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, as applied to the marketing area, as proposed to be redefined or as a separate area, and if not, what modification of the proposals and of the provisions of Order No. 46 would be necessary and appropriate.

The proposals set forth below have not received the approval of the Secretary of Agriculture:

Proposed by the Falls Cities Cooperative Milk Producers Association:

Proposal No. 1. Consider the propriety of the inclusion of all or a portion of the territory geographically located within the limits of the counties of Franklin and Fayette in Kentucky:

(1) As a part of the Louisville, Kentucky, marketing area specified in § 946.6 of the order regulating the handling of milk in the Louisville, Kentucky, marketing area, which said marketing area, as amended, shall be designated as the Louisville-Lexington, Kentucky marketing area.

(2) As the marketing area under a new and separate Federal milk market order for the regulation of such area, with further consideration to the application of the entire regulatory terms of the Louisville order, or appropriate modifications thereof that will tend to effectuate the declared policy of the Act with respect to such area.

(3) Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from the hearing.

Proposal No. 2. Consider further amendment to § 946.6 to include all of Consider further the territory within the boundaries of Clark County, Indiana, in lieu of the specified townships in the said county, in the marketing-area.

Proposal No. 3. Amend paragraph (a) of § 946.9 to read:

(a) A city plant, other than a plantoperated by a producer-handler, from which not less than 45 percent of the milk received from persons described in § 946.12(a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: Provided, That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 45 percent requirement shall apply to receipts and Class I sales during the current month.

Proposal No. 4. Amend paragraph (a) of § 946.51 to read:

(a) Class I milk. The price of Class I milk per hundredweight shall be the

month rounded to the nearest tenth of a cent plus \$1.45.

Proposal No. 5. Amend the first portion of paragraph (c) of § 946.51 to read:

(c) Class III milk. The price of Class III milk for the months of September through March shall be the price per hundredweight computed pursuant to § 946.50(a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher, and for the months of April through August the higher of the prices computed pursuant to subparagraph (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

Proposal No. 6. Amend § 946.53 to read:

§ 946.53 Location differential to handlers.

For that milk which is received from producers at a pool plant located outside the marketing area and 85 miles or more from the City Hall in Louisville (or Lexington, Kentucky, whichever is nearest, in case Fayette County is included in the marketing area), by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and as- , signed to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 946.51(a) shall be reduced at the rate set forth in the following schedule according to location of the pool plant where such milk is received from producers:

· Rate per hundredweight _ Mileage zone (cents) Not more than 85 miles___ 0 More than 85 but not more than 95 miles. For each additional 10 miles or fraction thereof an additional_____ 11/2

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned first to any remainder of Class III milk in the plant to which transferred after making the calculation prescribed in § 946.46(a) (1) through (4) and the comparable steps in § 946.46(b) and then in sequence beginning with the next lowest use classification for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

Proposal No. 7. Amend § 946.82 to read:

§ 946.82 Location differentials to pro-.ducers.

In making payments to producers pursuant to § 946.80(b) the handler shall deduct from the uniform price, with respect to all milk received from producers at a pool plant located outside of the marketing area and 85 miles or more from the City Hall in Louisville (or Lexington, Kentucky, whichever is nearest, in case Fayette County is included in basic formula price for the preceding the marketing area), not more than the

§ 946.53.

Proposal No. 8. Amend paragraph (b) of § 946.85 to read as follows:

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80(b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payment pursuant to § 946.80(c) for such month at the rates per hundredweight determined as follows: For each of the months of September, October, and November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71(d) during the immediately preceding period of April through July by the hundredweight of producer milk received by all handlers during such month (computed to the nearest cent per hundredweight) and compute such rates per hundredweight in like manner for the month of December by dividing the then remaining balance of the said aggregate amount set aside pursuant to § 946.71(d) by the hundredweight of producer milk received by all handlers during such month.

Proposed by Ashland Dairies, Ball and Co., Inc., Dixie-Bell Dairies, Jersey Heights, Kelly Dairies, and Lexington Dairy:

Proposal No. 9. Amend § 946.6, Order No. 46, if the handling of milk in Fayette County is to be regulated, to include the counties of Woodford, Scott, Harrison, Madison, Bourbon, Jessamine, Clark, Garrard, Anderson, Montgomery, Fayette, Franklin, Owen, and Boyle, all in the State of Kentucky.

Proposed by the Beatrice Foods

Company:

Proposal No. 10. Amend § 946.6 to include: Hardin, Oldham, Shelby, Bullitt, Henry, Spencer, and Meade Counties, Kentucky.

Proposed by Sealtest Foods, Division of National Dairy Products, Inc.:

Proposal No. 11. Consider the regulation of the handling of milk in the territory lying within the boundaries of Hardin, Nelson, Bullitt, Spencer, Shelby, Franklin, and Fayette Counties in Kentucky, and Clark and Harrison Counties in Indiana, and determine what portion or portions of said territory should be regulated as:

1. Part of the Louisville, Kentucky, marketing area, properly to be included in § 946.6 of the order regulating the handling of milk in the Louisville, Kentucky, marketing area, part No. 946, in addition to the area presently designated as "marketing area" in said § 946.6.

2. As a marketing area under a separate Federal milk market order.

3. Also determine the terms and provisions of the regulation appropriate for said territory to effectuate the declared policy of the Act; whether the terms and provisions of said Order No. 46 are applicable to said territory or appropriate

appropriate zone differential provided in modifications of said terms and provision are necessary.

Proposed by Oscar Ewing:

Proposal No. 12. Consider the regulation of the handling of milk in the counties of Hardin, Henry, Larue, Oldham, and Shelby in the State of Kentucky.

Proposed by Plainview Farms, Inc.: Proposal No. 13. Consider the regulation of the handling of milk in the counties of Oldham and Shelby in the

State of Kentucky.

Proposed by Dean Milk Company.

Proposal No. 14. Amend § 946.6, Order No. 46 to include the counties of Oldham, Shelby, Franklin, Scott, Meade, Bullitt, Spencer, Nelson, Anderson, Fayette, Hardin, Washington, Mercer, Larue, Henry, Woodford, and Boyle in the State of Kentucky.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 15. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of Order No. 46 (22 F.R. 7851) effective October 1, 1957, may be procured from the Market Administrator, 963 Baxter Avenue, P.O. Box 37, Baxter Avenue Station, Louisville, Kentucky or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 15th day of July, 1959.

> ROY W. LENNARTSON. Deputy Administrator.

[F.R. Doc. 59-5963; Filed, July 17, 1959; 9:18 a.m.]

FEDERAL AVIATION AGENCY

I 14 CFR Part 60 1

[Reg. Docket No. 63; Draft Release 59-9]

[Special Civil Air Reg. SR-424B]

POSITIVE AIR TRAFFIC CONTROL Extension of SR-424A for Indefinite Period

Pursuant to the authority delegated to me by the Administrator (§ 405.27; 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to extend for an indefinite period Special Civil Air Regulation No. 424A, which will expire on September 15, 1959.

Notice was given on May 15, 1959, that the Federal Aviation Agency had under consideration a proposal to extend for an indefinite period the positive control concept provisions of SR-424, which was to expire on June 15, 1959.

This notice explained the purpose of these provisions as a means by which the nature and extent of the traffic handling problem of all weather positive control concept could be determined. It explained that the positive control concept had been implemented on three transcontinental airways at altitudes from 17.000 to 22.000 feet and discussed the problems of further development of such concept. It related that future plans contemplated experimentation with positive control areas as well as positive control route segments.

The Department of the Air Force submitted the sole objection to this notice of proposed rule making. Because of this objection it was decided to extend the present provisions of SR-424 until September 15, 1959, rather than for an indefinite period. This temperary extension was made in order not to lose the increased safety provided by the present program and to provide time in which to further discuss the provisions of the rule with the Air Force.

The principal objection of the Air Force was not in opposition to the continuation of the currently effective positive control routes but to the increased extent of airspace authorized in the rule for positive control route segments. It was pointed out by the Air Force that positive control route segments are currently designated along certain 10-mile wide airways from 17.000 to 22.000 feet. while the rule authorized such route segments along routes 40-miles wide and extending from 17,000 to 35,000 feet.

As issued the proposed rule authorized the designation of positive control routes which exceeded the dimensions of those currently designated. This was consistent with the initial authorization contained in SR-424 as adopted by the Civil Aeronautics Board and was considered to be representative of future airspace requirements for the positive control concept.

Due to the present capabilities of the air traffic control system it was not intended to increase immediately the dimensions of positive control route segments to the full extent authorized in the proposed rule. Therefore, in order to clarify the intent of the rule it appears desirable to adopt a new Special Civil Air Regulation which will limit the designation of the positive control route segments to the same dimensions as those currently designated.

However, as pointed out in the notice of proposed rule making dated May 15. 1959, the future plans for further development and expansion of the positive control concept contemplate experi-mentation and "service testing" with positive control areas as well as positive control route segments. These plans will be the subject of future rule making procedures in order to provide interested parties with full opportunity to participate.

This amendment is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749; 49 U.S.C. 1354, 1348).

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by August 17, 1959, will be

considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation to be effective September 15, 1959:

1. The special air traffic rules prescribed in paragraphs (2), (3) and (4) of this special regulation shall be applicable to any operation of an aircraft in that portion of airspace between the altitudes of 17,000 and 22,000 feet having a width of 10 miles which has been designated by the Administrator as a "positive control route segment" in Part 601 of the Administrator's Regulations (14 CFR Part 601).

2. No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

3. All VFR flight activities, including VFR

on top, irrespective of weather conditions, are prohibited from operating in this designated airspace.

4. All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

This Special Civil Air Regulation shall remain in effect until superseded or rescinded

by the Administrator.

Issued in Washington, D.C., on July 15, 1959.

G. S. CASSADY, Acting Director, Bureau of Air Traffic Management. [F.R. Doc. 59-5929; Filed, July 17, 1959; 8:49 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-18]

REVOCATION OF A SEGMENT OF FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND COMPUL-SORY REPORTING POINTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.259, 601.259 and 601.4259 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 59 presently extends from Garden City, Kansas, via Gage, Oklahoma, to Oklahoma City, Oklahoma. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, show zero and one aircraft movement, respectively, for the segment from Garden City, Kansas to Gage, Oklahoma. On the basis of the survey it appears that the retention of this airway segment, and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 59 and its associated

control areas would then extend from Gage, Oklahoma to Oklahoma City, Oklahoma. In addition, the caption to § 601.4259, relating to the associated compulsory reporting points, will have to be amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER WILL be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Gage, Oklahoma-Garden City, Kansas, segment of Red Federal airway No. 59 and its associated control areas by amending §§ 600.259 and 601.259 (14 CFR, 1958 Supp., 600.259, 601.259) and to amend § 601.4259 (14 CFR, 1958 Supp., 601.4259) as follows:

1. Section 600.259 Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma).

a. Delete "(Garden City, Kansas, to Oklahoma City, Oklahoma)". Substitute therefor "(Gage, Oklahoma, to Ok-

lahoma City, Oklahoma)".

b. Delete "Garden City, Kansas, radio range station via the intersection of the south course of the Garden City, Kansas, radio range and the northwest course of the Gage, Oklahoma, radio range;"

2. In § 601.259 Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma), delete "(Garden City, Kansas, to Oklahoma City, Oklahoma)". Substitute therefor "(Gage, Oklahoma, to Oklahoma City, Oklahoma)".

3. In § 601.4259 Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma), delete "(Garden City, Kansas, to Oklahoma City, Oklahoma". Substitute therefor "(Gage, Oklahoma, to Oklahoma City, Oklahoma)".

Issued in Washington, D.C., on July 13, 1959,

GEORGE S. CASSADY, Acting Director. Bureau of Air Traffic Management. [F.R. Doc. 59-5902; Filed, July 17, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-8]

REVOCATION OF FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND COMPULSORY REPORTING **POINTS**

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13; 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 31 presently extends from Burlington, Iowa, to Moline, Ill. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 31, the control areas and compulsory reporting points associated with it would then be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER Will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such confrences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Blue Federal airway No. 31 and associated control areas by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.631 Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.) is revoked.

2. Section 601.631 Blue Federal airway No. 31 control areas (Burlington, Iowa, to Moline, Ill.) is revoked.

3. Section 601.4631 Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.) is revoked.

Issued in Washington, D.C., on July 13, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-5901; Filed, July 17, 1959; 8:45 a.m.]

I 14 CFR Part 601 1

[Airspace Docket No. 59-WA-80]

MODIFICATION OF CONTROL ZONE

Notice of Proposed Rule Making

Pursuant to the authority delegated

First and to the authority delegated to me by the Administrator (§ 409.13; 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2125 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a minor modification of the Hulman Field, Terre Haute, Indiana, control zone. A portion of the present control zone extends two miles either side of the 002° radial of the Terre Haute VOR, to a point ten statute miles north of the VOR. The prescribed VOR Standard Instrument Approach Procedure (24 F.R. 2391) permits a procedure turn to be made on the west side of the 360° course within ten nautical miles of the VOR. It is therefore necessary to extend the above mentioned portion of the control zone to a point twelve statute miles (approximately 10 nautical miles) north of the VOR in order to provide adequate controlled airspace for VOR instrument approaches to Hulman Field.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER Will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace

Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to modify the Terre Haute, Indiana, control zone, by amending § 601.2125 (24 F.R. 704) as follows:

In § 601.2125 Terre Haute, Indiana, control zone, delete "10 miles north of the VOR," and substitute therefor "12 miles north of the VOR."

Issued in Washington, D.C., on July 13, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5903; Filed, July 17, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 1, Amdt. 2]

OSAGE AGENCY

Redelegation of Authority

Order 1, as amended, is further amended by the addition of a new part and seven new sections, to read as follows:

Part 3—Authority of Specifically Designated Employees

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 3.29 Osage land exchanges, partitions and change designations of homestead. The Superintendent, Osage Agency, may approve orders to change designation of homestead and instruments vesting title, pursuant to the provisions of 25 CFR Part 127.

SEC. 3.35 Leasing for oil and gas mining. The Chief, Branch of Minerals, Osage Agency, may exercise the authority of the Superintendent set forth in 25 CFR 183.26, 183.46(a) and 183.46(c). The authority delegated in this section does not include:

1. The approval of the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 183.39

Any action taken under this section is subject to the right of appeal to the Superintendent.

FUNCTIONS RELATING TO HEALTH AND WELFARE MATTERS

SEC. 3,254 Appointment of guardians. The Superintendent, Osage Agency, may approve the appointment of guardians of Osage Indians pursuant to the provisions of the Act of February 27, 1925 (43 Stat. 1008).

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 3.261 Investment of Osage funds. The Superintendent, Osage Agency, may invest funds of Osage Indians held in the Accounts of the Indian Bureau for individual Indians and Indian associations in any public debt of the United States, bonds, notes, or other obligations, authorized under the Act of February 27, 1925 (CH 359, 43 Stat. 1008, 1009), provided the principal of any such investment is guaranteed by the United States.

SEC. 3.265 Osage Indian funds. The Superintendent, Osage Agency, may approve applications by Osage Indians under section 5 of the Act of April 18, 1912 (37 Stat. 87), for the withdrawal of individual trust funds in the Treasury of the United States and quarterly prorata share payments of Osage tribal funds and interest on individual funds in the United States Treasury pursuant to the provisions of the Act of June 28, 1906 (34 Stat. 544), as amended, or supplemented by the Acts of February 27, 1925 (43 Stat. 1008), and June 24, 1938 (52 Stat. 1034).

SEC. 3.266 Osage headrights. The Superintendent, Osage Agency, may approve transfers of Osage headrights belonging to any person not an Indian by blood, pursuant to the provisions of the Act of April 12, 1924 (43 Stat. 94).

SEC. 3.267 Deposit and expenditure of individual funds—Osage. The Superintendent, Osage Agency, may exercise any and all the authority of the Commissioner set forth in 25 CFR 108.

H. REX LEE, Acting Commissioner.

JULY 14, 1959.

[F.R. Doc. 59-5911; Filed, July 17, 1959; 8:47 a.m.]

Bureau of Land Management ALASKA

Notice of Filing of Alaska Protraction Diagram, Anchorage Land District, Notice No. 3

JULY 13, 1959.

1. Notice is hereby given that the following protraction diagram has been officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska, effective upon publication of this notice, and will become the basic record for the description of oil and gas lease offers filed after 10:00 a.m., 30 days after the publication of this notice, in accordance with 43 CFR § 192.42a(c), (24 F.R. 4140, May 22, 1959):

Alaska Protraction Diagram (Unsurveyed)

SEWARD MERIDIAN

S. 13-6, Ts. 11 to 12 N., Rs. 10 to 12 W.

2. Copies of this diagram are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 334 East Fifth Avenue, Anchorage, Alaska.

> IRVING W. ANDERSON, Manager.

[F.R. Dcc. 59-5913; Filed, July 17, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[344.3]

ROSARY CASES, WHOLLY OR IN CHIEF VALUE OF POLYSTYRENE NOT SERVING AS CHIEF BINDING AGENT

Prospective Tariff Classification

JULY 14, 1959.

It appears that rosary cases, wholly or in chief value of polystyrene, a synthetic resin, not serving as chief binding agent, are properly dutiable by virtue of the similitude clause in paragraph 1559(a), Tariff Act of 1930, at the rate applicable to base metal rosary cases, that is, 19 percent ad valorem under paragraph 397, as modified, if valued not over 20 cents per dozen, 55 percent ad valorem under paragraph 1527(c)(2), as modified, if valued over 20 cents but not over \$5 per dozen, or at the rate of 35 percent ad valorem under paragraph 1527(c) (2). as modified, if valued over \$5 per dozen.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing practice of assessing duty on this merchandise by virtue of the similitude clause in paragraph 1559(a) at the rate of 17 percent ad valorem, the rate applicable under paragraph 31(a)(2), as modified, to articles in chief value of cellulose acetate.

By law the rate of duty to be assessed should be the rate applicable to that

article enumerated in the tariff act which these polystyrene rosary cases most resemble with respect to use. Consideration will be given to any relevant data, views, or arguments pertaining to the correct dutiable status of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

> RALPH KELLY, Commissioner of Customs.

[F.R. Doc. 59-5932; Filed, July 17, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

R. CHESTER REED

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None. B. Additions: None.

This statement is made as of July 7,

R. CHESTER REED.

JULY 7, 1959.

[F.R. Doc. 59-5926; Filed, July 17, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-8]

NORTH CAROLINA STATE COLLEGE

Notice of Issuance of Utilization **Facility License Amendment**

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on March 2, 1959, the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R-1 authorizing North Carolina State College to possess and operate the Raleigh Research Reactor at steady power levels up to 100 watts at the new location on its campus at Raleigh, North Carolina. Notice of the proposed action was published in the Federal Register on March 3, 1959, 24 F.R. 1575.

Dated at Germantown, Md., this 13th day of July 1959.

For the Atomic Energy Commission,

R. L. KIRK, Deputy Director, Division of Licensing and Regulation,

[F.R. Doc. 59-5900; Filed, July 17, 1959; 8:45 a.m.1

BUREAU OF THE BUDGET

CERTAIN LANDS IN MISSOURI

Order Retransferring Jurisdiction From Department of the Interior to Department of Agriculture

By virtue of the authority vested in the President of the United States by the last sentence of paragraph (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 525, as amended (7 U.S.C. 1011(c)), and delegated to the Director of the Bureau of the Budget by section 1(f) of Executive Order No. 10530 of May 10. 1954, and upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, it is ordered as follows:

Jurisdiction over all lands, together with improvements therein, in the State of Missouri, which were transferred to the Department of the Interior by Executive Order No. 8509 of August 8, 1940, for use and management by the Curators of the University of Missouri, under the custody of the Fish and Wildlife Service, Department of the Interior, is hereby retransferred to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III, and related provisions of Title IV, of the Bankhead-Jones Farm Tenant Act.

This transfer shall become effective only upon the issuance by the Secretary of the Interior, pursuant to Executive Order No. 10355 of May 26, 1952, of a public land order disestablishing the Missouri Wildlife Management Area established by Executive Order No. 8509 of August 8, 1940.

ELMER B. STAATS, Acting Director of the Bureau of the Budget.

JULY 7, 1959.

[F.R. Doc. 59-5922; Filed, July 17, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9941]

MACKEY AIRLINES, INC.; RENEWAL **PROCEEDING**

Notice of Hearing

In the matter of the application of Mackey Airlines, Inc., for an amendment to its temporary certificate of public convenience and necessity for route No. 110.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on August 18, 1959, at 10 a.m., e.d.s.t., at the Galt Ocean Mile Hotel, Fort Lauderdale, Fla., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., July 14, 1959.

[SEAL] FRANCIS W. BROWN, Chief Examiner.

[F.R. Doc. 59-5928; Filed, July 17, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12938; FCC 59M-892]

KVFC, INC. (KVFC)

Order Scheduling Hearing

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP-11847; for con-

struction permit.

It is ordered, This 13th day of July 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1959, in Washington, D.C.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-5935; Filed, July 17, 1959; 8:50 a.m.1

[Docket No. 12939; FCC 59M-893]

WPGC, INC. (WPGC) **Order Scheduling Hearing**

In re application of WPGC, Inc. (WPGC), Morningside, Maryland, Docket No. 12939, File No. BML-1790; for modification of license.

It is ordered. This 13th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1959, in Washington,

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-5936; Filed, July 17, 1959; 8:50 a.m.]

[Docket No. 12940; FCC 59-692]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of July 1959;

The Commission having under consideration (1) certain tariff schedules filed by American Telephone and Telegraph Company (AT&T) under its Transmittal No. 5991, and Northwestern Bell Telephone Company under its Transmittal No. 749 establishing new and revised regulations applicable to connection of telephone company fa-

cilities with certain customer-owned facilities, such tariff schedules being designated as follows:

A.T. & T. Tariff FCC No. 134

114th Revised Page 1. 9th Revised Page 10 F. Original Page 10 F A 7th Revised Page 10 G.

N.W. Bell Tel. Co. Tariff FCC No. 20

43d Revised Page 1. 2d Revised Page 41 A. 4th Revised Page 42. 2d Revised Page 42 A.

(2) petitions filed by the Southern Railway System on July 1, 1959, and the Atchison, Topeka and Santa Fe Railroad System on July 6, 1959 requesting that the Commission suspend the abovementioned new and revised tariff schedules and that it initiate a hearing and investigation into the lawfulness thereof: and (3) a telegram dated July 3, 1959 from the Illinois Central Railroad Company seeking the same relief requested by the Atchison, Topeka and Santa Fe Railroad System;

It appearing that the above-mentioned tariff schedules extend to certain classes of customer privileges with respect to interconnection of privately owned facilities with facilities of the telephone companies which are not permitted under the tariffs in the case of customers

generally;

It further appearing that under the proposed tariff, power and pipe line companies may interconnect their telephone facilities with the exchange and message toll facilities of AT&T so as to form a through circuit only under the three conditions set forth in the tariff, including emergency conditions and cases involving hazardous or inaccessible locations, whereas railroads are not so limited in connecting their facilities to such telephone company facilities;

It further appearing that the terms and conditions under which railroads may interconnect their communications facilities with those of AT&T may operate so as to create unlawful discrimination among railroads; and

It further appearing that no rights and interests of the public will be substantially affected if the schedules are permitted to become effective on the date scheduled:

It further appearing that the Commission is unable to determine from the aforementioned tariffs and the information supplied by AT&T in connection therewith whether the classifications, regulations, and practices set forth therein are or will be lawful under the provisions of sections 201(b) and 202(a) of the Communications Act of 1934, as amended:

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted, into the lawfulness of the classifications, regulations, and practices contained in the above-mentioned tariff schedules;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

- 1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended:
- 2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be hereafter followed with respect to the service governed by the aforementioned tariff schedules and, if so, what classifications, regulations, and practices

should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be hereafter specified; and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or Recommended Decision:

It is further ordered, That the peti-tions of the Southern Railway System and Atchison, Topeka and Santa Fe Railroad System are granted to the extent indicated herein and in all other

respects are denied;

It is further ordered, That American Telephone and Telegraph Company, Northwestern Bell Telephone Company and all carriers concurring in the abovementioned tariff schedules are hereby made parties respondent in the proceedings herein, and Southern Railway System, the Atchison, Topeka and Santa Fe Railroad System and Illinois Central Railroad Company are hereby granted leave to intervene upon filing notice of intention to participate in these proceedings within twenty days from the date of issuance of this order.

Released: July 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

MARY JANE MORRIS, [SEAL] Secretary.

[F.R. Doc. 59-5937; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 12918; FCC 59M-890]

DODGE CITY BROADCASTING CO., INC.

Order for Prehearing Conference

In re application of the Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; for construction permit.

A prehearing conference in the aboveentitled proceeding will be held on Monday, July 20, 1959, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C. This conference is called

pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 13th day of July 1959.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-5938; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 12908; FCC 59M-889]

LAIRD BROADCASTING CO., INC. (KHAIC)

Order Continuing Hearing

In re application of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855; for construction permit for standard broadcast station.

It is ordered, This 10th day of July 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Thursday, July 16, 1959, in the offices of the Commission, Washington, D.C.

It is further ordered, That on the Hearing Examiner's own motion, due to a conflict in his calendar, the hearing presently scheduled herein to commence on July 23, 1959, is continued without

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS. Secretary.

JF.R. Doc. 59-5939; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 11932; FCC 59M-894]

NEW JERSEY EXCHANGES, INC.

Order Scheduling Hearing Conference

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersev.

A further hearing conference in the above-entitled proceeding will be held on Wednesday, July 15, 1959, beginning at 11:00 a.m. in the offices of the Commis-

sion, Washington, D.C.

It is so ordered, This the 13th day of July 1959.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS . COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15523]

ATLANTIC REFINING CO.

Notice of Application and Date of Hearing

JULY 13, 1959.

Take notice that on July 22, 1958, The Atlantic Refining Company (Applicant) filed in Docket No. G-15523 an application purusant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Texas Eastern Transmission Corporation (Texas Eastern) from certain lands and leaseholds located in the Koenig Field, DeWitt County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service sought to be abandoned is covered by a gas sales contract dated March 1, 1956, as amended, on file with the Commission as The Atlantic Refining Company, Operator, et al., FPC Gas Rate Schedule No. 160.

By letter agreement dated December 6, 1957, between Applicant and Texas Eastern, the subject service was terminated and cancelled. This latter agreement has been accepted for filing as Supplement No. 9 to The Atlantic Refining Company FPC Gas Rate Schedule

Applicant states that the subject acreage has become non-productive and the well thereon has been plugged.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1959, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> MICHAEL J. FARRELL. Acting Secretary.

[F.R. Doc. 59-5940; Filed, July 17, 1959; [F.R. Doc. 59-5904; Filed, July 17, 1959; 8:45 a.m.]

[Docket No. G-18890]

BIG CHIEF DRILLING CO.

Order for Hearing and Suspending **Proposed Change in Rate**

JULY 13, 1959.

Big Chief Drilling Company (Big Chief), on June 15, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge is contained in the following designated filing;

Description: (1) Supplemental Agreement dated November 11, 1958. (2) Notice of change, undated.

Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: (1) Supple-Hate schedule designation: (1) Supplement No. 2 to Big Chief's FPC Gas Rate Schedule No. 9. (2) Supplement No. 3 to Big Chief's FPC Gas Rate Schedule No. 9. Effective date: July 16, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Big Chief states that the reasons, nature and basis for the rate change are set forth in the contract, which provides that the price during each five-year period after December 31, 1958, shall be the market price for gas sold under similar conditions to major pipeline companies within a 50-mile radius of any of Big Chief's wells.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful,

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 2 and 3 to Big Chief's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 2 and 3 to Big Chief's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 16, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

Michael J. Farrell, Acting Secretary.

[F.R. Doc. 59-5905; Filed, July 17, 1959; 8:45 a.m.]

[Docket No. G-18891]

SUNRAY MID-CONTINENT OIL CO.

Order for Hearing and Suspending Proposed Change in Rate

JULY 13, 1959.

Sunray Mid-Continent Oil Company (Sunray), on June 18, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Contract, dated May 22, 1959. Notice of change, dated June 16, 1959.

Purchaser: Kansas-Colorado Utilities Incorporated.

Rate schedule designation: Sunray's FPC das Rate Schedule No. 180 Supplement No. 1 to Sunray's FPC das Rate Schedule No. 180.

Effective date: July 19, 1959 (stated effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed renegotiated rate increase, Sunray states that the contract was negotiated at arm's length; it has been a common and accepted practice in the industry to provide for periodic and favored-nation price increases in long-term contracts, and such pricing provisions are necessary to assure seller a price equal to the current commodity value of his gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Com-

mission enter upon a hearing concerning the lawfulness of the said proposed change, and that Sunray's FPC Gas Rate Schedule No. 180 and Supplement No. 1 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the

proposed increased rate and charge contained in Sunray's FPC Gas Rate Schedule No. 180 and Supplement No. 1 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplement be and they hereby are suspended and the use thereof deferred until December 19, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 59-5906; Filed, July 17, 1959; 8:46 a.m.]

[Docket No. G-18889]

WESTERN NATURAL GAS CO.

Order for Hearing and Suspending Proposed Changes in Rates

JULY 13, 1959.

Western Natural Gas Company (Western Natural), on June 15, 1959, tendered for filing two proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change, undated. Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designations: Supplement No. 4 to Western Natural's FPC Gas Rate Schedule No. 21. Supplement No. 3 to Western Natural's FPC Gas Rate Schedule No. 22.

Effective date: July 16, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Western Natural states that the contracts were negotiated at arm's length and that the pricing provisions thereof constitute an integral part of the consideration upon which the contracts are based.

On June 24, 1959, Texas Eastern Transmission Corporation, inter alia, filed a formal protest to the acceptance for filing of the subject rate changes, alleging that the changes are unsupported by the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the pro-

visions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplement Nos. 4 and 3 to Western Natural's FPC Gas Rate Schedule Nos. 21 and 22 respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 4 and 3 to Western Natural's FPC Gas Rate Schedule Nos. 21 and 22 respectively.

(B) Pending the hearing and decision thereon, these supplements are hereby suspended and the use thereof deferred until December 16, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gos Act

Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

Michael J. Farrell, Acting Secretary.

[F.R. Doc. 59-5907; Filed, July 17, 1959; 8:46 a.m.]

[Project No. 2130]

PACIFIC GAS AND ELECTRIC CO.

Notice of Modification of Land Withdrawal; California

JULY 15, 1959.

On September 22, 1926, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of 860 acres of lands of the United States pursuant to the filing of an application for license by the Sierra and San Francisco Power Company for Project No. 708. Commission letters of May 28 and July 1, 1938, as superseded and modified by letters of April 28 and August 2, 1941, gave notice to that office of the reservation of approximately 1,397 acres of United States lands pursuant to the filing of an original and an amendatory application by the Sierra and San Francisco Power Company for Project No. 1318. In addition, by withdrawal notice of October 15, 1956, this Commission gave notice that the Pacific Gas and Electric Company, the present licensee for Projects Nos. 708 and 1318, had filed an application for major license on April 16, 1953, as sup-

¹In addition to increasing the level of rate, the instant filings propose to supersede Sunray Mid-Continent Oil Company (Operator) et al.'s FPC Gas Rate Schedule No. 90 as amended.

plemented by an application of January 4, 1955, to include the two above-mentioned constructed projects under a single license as Project No. 2130. An additional 20.5 acres of United States lands were reserved by this notice, making a total of 2,277.5 acres reserved under Project No. 2130. (Maps showing the project area were redesignated as F.P.C. Nos. 2130–13 through 2130–15 and 2130–17 through 2130–25.)

On April 20, 1959, the Pacific Gas and Electric Company filed an application for amendment of their license to provide for a new Stanislaus power plant and related and appurtenant facilities and appropriate retirement of the existing Stanislaus plant. On April 29, 1959, they filed revised map Exhibit K-10-D (F.P.C. No. 2130-37) delimiting the retired facilities and the lands to be occupied by the new facilities.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2130 for which completed amendatory application for license was filed April 29, 1959. Under said section 24 these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within the project boundary as delimited on the map designated as K-10-D (F.P.C. No. 2130-37) entitled "Plan of Stanislaus, Forebay, Conduits, Powerhouse, and Afterbay, Pacific Gas and Electric Co.," filed in the Federal Power Commission April 29, 1959, superseding Exhibit K-10-C (F.P.C. No. 1318-31, redesignated as 2130-22).

T. 3 N., R. 14 E., Sec. 12: N½ and SE¼ Lot 4. T. 3 N., R. 15 E.,

Sec. 6: SE¼ Lot 9, unpatented portion Lot 10, NW¼SE¼, NW¼SW¼SE¾, NE¼ and S½ Lot 2.
Sec. 7: N½ Lot 1.

This notice modifies and supersedes that given April 28, 1941, in connection with Project No. 1318 (redesignated October 15, 1956, as Project No. 2130), insofar as it refers to the location of the Stanislaus Tunnel and Powerhouse located in portions of the above-noted subdivisions. The area reserved under this notice embraces approximately 109 acres of which approximately 106 acres have been heretofore reserved for power purposes under Project No. 2130, Power Site Reserve No. 86, or Power Site Classification No. 220. The lands in T. 3 N., R. 15 E., noted above, are within the Stanislaus National Forest.

Copies of the amendatory project map Exhibit K-10-D (F.P.C. No. 2130-37) have been tranmitted to the Bureau of Land Management, Geological Survey and Forest Service.

> MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 59-5923; Filed, July 17, 1959; 8:48 a.m.]

NOTICES
[Docket No. G-15163 etc.]

EMPIRE STATES DRILLING CORP. ET AL.

Notice of Applications and Date of Hearing

JULY 14, 1959.

In the matters of Empire States Drilling Corporation 1, Docket No. G-15163; Rutter and Wilbanks Brothers, Operator 2, Docket No. G-15201; Rutter and Wilbanks Brothers, Operator , Docket No. G-15202; Shell Oil Company, Docket No. G-15700; Magnolia Petroleum Company, Docket No. G-16303; Pan American Petroleum Corporation, Docket No. G-16465; James E. Rogers, Operator, et al.4, Docket No. G-16541; Southwest Gas Producing Company, Inc. et al.5, Docket No. G-16764; Tidewater Oil Company, Docket No. G-16928; William A. Hudson and Edward R. Hudson, et al. Docket No. G-16930; John Allen and Henry Stephens, Docket No. G-16977; Champlin Oil & Refining Company Docket No. G-16993; Colorado Oil & Gas Corporation 8, Docket No. G-17011.

Take notice that each of the above-designated parties hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as follows:

Docket Nos., Field and Location, and Purchasers

G-15163; Fulcher Kutz (Pictured Cliffs) Field, San Juan County, New Mexico; El Paso Natural Gas Company. G-15201; Spraberry Trend Field, Reagan

G-15201; Spraberry Trend Field, Reagan County, Texas; El Paso Natural Gas Company.
G-15202; Spraberry Trend Field, Reagan

G-15202; Spraberry Trend Field, Reagan County, Texas; El Paso Natural Gas Company.

G-15700; Block 18 (Eugene Island Area), Offshore Louisiana; Tennessee Gas Transmission Company.

G-16303; Spraberry Trend Field, Upton County, Texas; El Paso Natural Gas Company.
G-16465; Carlton and Calhoun Fields, Lin-

coln and Ouachita Parishes, Louisiana; Texas Gas Transmission Corporation.

G-16541; Blanco (Pictured Cliffs) Field, Rio Arriba County, New Mexico; El Paso Natural Gas Company. G-16764; Carlton, Calhoun and Tremont

G-16764; Carlton, Calhoun and Tremont Fields, Lincoln, Ouachita and Jackson Parishes, Louisiana; Texas Gas Transmission Corporation.

G-16928; Southwest Ponca City Field, Kay County, Oklahoma; Wunderlich Development Company.

Company.
G-16930; Emperor Devonian Ellenberger
Field, Winkler County, Texas; West Texas
Gathering Company.

G-16977; Abbott Creek Field, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

G-16993; Davis Ranch Area Field, Barker County, Kansas; Cities Service Gas Company, G-17011; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as walver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL, Acting Secretary.

¹Production is limited to depths down to and including the Pictured Cliffs Formation.

²Rutter and Wilbanks Brothers, a partnership composed of Jess Wilbanks, G. L. Wilbanks, A. W. Rutter and A. W. Rutter, Jr., Operator, is filing for its 50 percent working interest in certain acreage and, as Operator, lists the following nonoperators with their respective percentages of working interest: Westlund Drilling Company, Conrad N. Hilton, David Baird and Serge Semenenko. Production from subject acreage is proposed to be sold under a basic gas sales contract dated November 3, 1952, as amended, between Humble Oil & Refining Company, seller, and El Paso, buyer. Applicant acquired its interest in subject acreage by three separate assignments from Carl J. Westlund (assignee of Humble) dated May 29, 1956, June 22, 1956 and July 18, 1956.

Rutter and Wilbanks Brothers, a partnership composed of Jess Wilbanks, G. L. Wilbanks, A. W. Rutter and A. W. Rutter, Jr., Operator, is filing for its working interests in certain leases and, as Operator, lists the following nonoperators with their respective percentages of working interest: Conrad N. Hilton, David Baird, Serge Semenenko, West Central Drilling Company, A. J. Frazier, Joe Staley and Texas American Oil Corporation. Production from three productive leases, as well as other undeveloped leases, is proposed to be sold under a basic gas sales contract dated October 3, 1952, as amended, between The Standard Oil Company (Ohio), predecessor in interest to Sohio Petroleum Company, seller, and El Paso, buyer. Applicant acquired its in-

See footnotes at end of document.

terest in subject leases by assignments from Standard dated December 27, 1955, Decem-

ber 30, 1955 and April 10, 1956.

*James E. Rogers, Operator, is filing for himself and on behalf of the following nonoperators: Ethel H. Rogers, J. Felix Hick-man, Merle Hickman, Paul H. Luckett II, Maxine Luckett, Ralph A. Sanders, Pauline Sanders, Reginald Sanders, Ruth Sanders, Oscar Rosen, Evelyn Rosen, Abe Horwitz, Rudolph D. Wisbrun, Eleanor Wisbrun and Betty S. Belding. All are signatory seller parties to the gas sales contract dated July 31, 1958, which contract limits production to horizona down to and including the Pictured Cliff's Formation.

Southwest Gas Producing Company, Inc., is filing for itself and on behalf of the follow-. ing co-owners: W. C. Feazel, Gertrude Feazel Anderson, G. M. Anderson and Lallage Feazel. Applicant proposes to sell (1) production from approximately 4,452 acres after processing in its plant and (2) residue gas owned by other producers, who do not negotiate contracts for the disposition of their gas; said gas will be sold pursuant to the terms of processing agreements for the account of such producers and Southwest, et al., will receive as payment for processing their proportionate part of extracted plant products. All above-named co-owners are signatory seller parties to the subject gas sales contract. Applicant states that service commenced on November 5, 1958, and the application acknowledges Applicant's willingness to accept a conditioned certificate requiring refund to Buyer should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

6 William A. Hudson and Edward R. Hudson, nonoperators, are filing for themselves and on behalf of the following nonoperators: First Hutchings-Sealy National Bank of Galveston, Trustee for Mrs. Frances B. Moore and Guardian of the Minors, John Knox Hutchings and Donald Bartlett Moore; Mrs. Carol Moore; Kenneth R. Shelton; and Frances Moore Shelton, David W. Moore, Charles H. Moore and B. D. Moore, Jr., individually and as Executors of the Estate of Frances B. Moore, Deceased. All are signatory seller parties to the gas sales contract

dated December 31, 1957.

Application covers a basic gas sales contract dated November 4, 1958, which contract supersedes and includes in the acreage dedicated thereto (1) acreage previously dedi-cated to a contract between Champlin and Cities Service dated April 5, 1955, as amended March 23, 1956 and June 21, 1957, for which certificate authorization has been either issued or requested in Docket Nos. G-8868, G-10389 and G-14384, respectively (2) acreage attributable to Champlin's 24.22485 percent nonoperating interest in two wells, which acreage was previously dedicated to a gas sales contract between Champlin, et al., and Cities Service dated September 22, 1958 and (3) certain additional acreage not previously dedicated to a gas sales contract. Champlin is applying herein with respect to (2) and (3) above. Champlin is the only signatory seller party to the subject gas sales contract and as Operator of the abovementioned additional acreage is filing for itself and lists in the application the names and percentages of working interests of M. B. Armer and Max Cohen, nonoperators.

8 Application covers a ratification agreement dated March 1, 1958, of a basic gas sales contract dated October 14, 1957, between Nathan Appleman, et al., sellers, and Northern, buyer. Both Colorado and Northern are signatory parties to the subject

ratification agreement.

[F.R. Doc. 59-5924; Filed, July 17, 1959; 8:49 a.m.]

No. 140--3

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-10453 etc.]

GENERAL MOTORS ACCEPTANCE CORP.

Notice of Application and Opportunity for Hearing

JULY 10, 1959.

In the matter of General Motors Acceptance Corporation, File No. 2-10453; File No. 2-11018; File No. 2-11435; File No. 2-11840; File No. 2-13495; File No. 2-13860.

Notice is hereby given that General Motors Acceptance Corporation (Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of Morgan Guaranty Company of New York (Morgan Guaranty) under the Six Existing Indentures hereinafter described and trusteeship by Guaranty under an Indenture to be dated as of June 15, 1959, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as such under said indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of the section provides, with certain exceptions stated therein. that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and under another indenture of the same obligor. However, pursuant to clause (ii) of subdivision (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

The Company alleges that:

1. The Company proposes to issue and sell \$50,000,000 principal amount of its Five Year 4% percent Debentures due June 15, 1964 to be issued under an Indenture to be dated as of June 15, 1959 to be executed by the Company with Morgan Guaranty Trust Company of New York, a corporation organized and existing under the laws of the state of New York, as Trustee (herein referred to as the 1959 Indenture).

2. Such transaction is exempt from registration under the Securities Act of 1933 by reason of section 4(1) of said Act and the 1959 Indenture is exempt from qualification under the Trust Indenture Act of 1939 by reason of section 304(b) of said Act.

3. The Company has outstanding the following issues of Debentures under six wholly unsecured Indentures (herein referred to as the Six Existing Indentures) executed by the Company with J. P. Mora gan & Co., Inc. (Morgan) as Trustee and under all of which Morgan Guaranty is now successor trustee:

(a) \$150,000,000 principal amount of its Eight-Year 3% percent Debentures Due 1961 issued under an Indenture dated September 15, 1953.

(b) \$75,000,000 principal amount of its Ten-Year 234 percent Debentures Due 1964 and \$75,000,000 principal amount of its Fifteen-Year 3 percent Debentures Due 1969 issued under an Indenture dated July 15, 1954.

(c) \$50,000,000 principal amount of its Five-Year 3 percent Debentures Due 1960 and \$200,000,000 principal amount of its Seventeen-Year 31/2 percent Debentures Due 1972 issued under an Indenture dated March 15, 1955.

(d) \$200,000,000 principal amount of its Twenty-Year 35/8 percent Debentures Due 1975 issued under an Indenture

dated September 1, 1955.

(e) \$100,000,000 principal amount of its Twenty-Year 5 percent Debentures Due 1977 issued under an Indenture dated August 15, 1957.

(f) \$150,000,000 principal amount of its Twenty-One Year 4 percent Debentures Due 1979 issued under an Indenture dated March 1, 1958.

4. Morgan was duly merged into Guaranty on April 24, 1959. Morgan Guaranty became the successor Trustee under the Six Existing Indentures.

5. The Six Existing Indentures, all of which were qualified under the Trust Indenture Act of 1939, contain provisions embodying the provisions of section 310(b) of the Act.

6. All of the Six Existing Indentures. as well as the 1959 Indenture, are wholly unsecured and the Company is not in default thereunder. Except for variations in respect of amounts, dates, interest rates, and redemption prices, and except for the fact that the 1959 Indenture does not comply with the require-ments of the Trust Indenture Act of 1939, all of said Indentures are essentially in the same form. Other than the promise to pay principal and interest the only general covenant of any substance is the so-called "negative-pledge" covenant. Any difference in the provisions of these Indentures is unlikely to cause any conflict of interest in the trusteeship of Morgan Guaranty under said Indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 27, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than July 24, 1959, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary:

[F.R. Doc. 59-5914; Filed, July 17, 1959; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Organization Description, Including Delegations of Final Authority]

COMMUNITY FACILITIES COMMIS-SIONER ET AL.

Redelegation of Certain Authority To Use Title III of Federal Property and Administrative Services Act of 1949, as Amended

Each of the following officers within the Housing and Home Finance Agency:

Community Facilities Commissioner.
Director, Division of General Services, OA.
Director, Property Management Branch,
OA.

Executive Officer, Division of General Services, OA.

HHFA Regional Administrator.

Regional Director of Community Facilities Activities.

Director for Northwest Operations, Region

is hereby authorized to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251 (herein called the Act), when procuring property and services, except the authority under section 305 (advance payments), the nondelegable authority to make the determinations or decisions specified in subsections 302(c) (12) and (13), and the authority under subsection 302(c)(11) with respect to contracts which will require the expenditure of more than \$25,000. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, and controls prescribed by the General Services Administration.

Except for transactions initiated before March 10, 1959, this redelegation supersedes the redelegation to the Commissioner of Community Facilities and the Division Engineers of Community Facilities Service effective June 9, 1951 (16 F.R. 5505, June 9, 1951), which is hereby revoked.

(Delegation of Authority 363 from Administrator of General Services to Heads of Executive Agencies effective March 10, 1959, 24 F.R. 1921, March 17, 1959)

Effective as of the 10th day of March 1959.

[SEAL]

Norman P. Mason, Housing and Home Finance Administrator.

[F.R. Doc. 59-5910; Filed, July 17, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property
GERDA MARIA SCHULTZ-HENCKE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Maria Schultz-Hencke, Voltastrasse . 35, Zurich 44, Switzerland; \$35,759.15 in the Treasury of the United States.

Vesting Orders Nos. 17800, 17979 and 17997; Claim No. 61254.

Executed at Washington, D.C., on July 10, 1959.

For the Attorney General.

[SEAL]

Paul V. Myron, Deputy Director, Office of Alien Property.

[F.R. Doc. 59-5921; Filed, July 17, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 32992]

ACCOUNTING FOR FEDERAL INCOME TAXES

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 2d day of July A.D. 1959.

Consideration has been given to a petition filed May 22, 1959 by Arthur Andersen & Co., a firm of certified public accountants, requesting reconsideration of a notice issued by Division 2 on February 9, 1959 (24 F.R. 1401), which stated that possible income taxes to be assessed in the future will not be considered an element of tax expense for the current year. On March 5, 1959 the same petitioners filed a petition averring that the said notice amended the accounting regulations without recourse to public rule making procedures, and requesting that the notice be rescinded; that rule making proceedings in respect of such matter be instituted; and that petitioner

be afforded the right to participate therein. This petition was denied for good cause by an order entered herein April 24, 1959 by Division 2 (24 F.R. 3525)

Petitioners now request that the entire. Commission reconsider both actions by Division 2 and grant the relief previously denied, which in effect is a renewed petition to rescind the notice of February 9, 1959, to institute rule making proceedings in respect of such matter, and to afford petitioners the right to participate therein.

After consideration of such renewed petition:

It is ordered, That the views announced by Division 2 in the notice dated February 9, 1959 be, and they are hereby, affirmed; and further that the petition filed May 22, 1959 be, and it is hereby, denied for the reason that sufficient grounds have not been advanced to sustain it

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5916; Filed, July 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 14, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 35546: Cement—Minne-apolis and Duluth, Minn., groups to northwestern points. Filed by Great Northern Railway Company (No. 1062), for interested rail carriers. Rates on cement (hydraulic, masonry, mortar, natural or portland) and articles taking same rates, straight or mixed carloads from Minneapolis, Minnesota Transfer, St. Paul, Duluth, Steelton (Duluth), Minn., and Superior, Wis., to points on the Great Northern Railway in Iowa, Minnesota, and South Dakota.

Grounds for relief: Motor truck competition in connection with distance scale rates for short-line distances up to 240 miles.

Tariff: Supplement 17 to Great Northern Railway Company tariff I.C.C. A-8871.

FSA No. 35547: Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2409), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, carloads, as described in the application from Limedale, Mitchell, and Speed, Ind., to points in Illinois Freight Association territory.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariff: Supplement 14 to Traffic Executive Association—Eastern Railroads, Agent, tariff I.C.C. C-56.

FSA No. 35548: Cement from Houston, Tex., to Virginia Points. Filed by Southwestern Freight Bureau, Agent (No. B-7583), for interested rail carriers. Rates on white portland cement, in carloads from Houston, Tex., to points taking Norfolk and Roanoke, Va., rates.

Norfolk and Roanoke, Va., rates. Grounds for relief: Grouping.

Tariff: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4185.

FSA No. 35549: TOFC service—Between points in southwestern territory. Filed by Southwestern Freight Bureau, Agent (No. B-7586), for interested rail carriers. Rates on commodities moving on class rates loaded in trailers and transported on railroad flat cars between specified points in Oklahoma, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor truck

competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4285.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5917; Filed, July 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35550: Pig iron from eastern origins, including Keokuk, Iowa, and Calvert, Ky., to Michigan. Filed by O. E. Schultz, Agent (Er No. 2501), for interested rail carriers. Rates on pig iron, in carloads, in multiple carlots from specified points in Illinois, Iowa, Kentucky, New York, Ohio and Pennsylvania to Muskegon, Cableton, South Haven and Holland, Mich.

Grounds for relief: Water and market

competition.

Tariffs: Supplement 37 to D.T. & I.R.R. tariff I.C.C. 734 and other schedules named in appendix A to the application.

FSA No. 35551: Plaster from Indiana to Missouri. Filed by Southewestern Freight Bureau, Agent (No. B-7585), for interested rail carriers. Rates on plaster and related articles, in carloads from East Shoals and Willow Valley, Ind., to

points in Missouri.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 76 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 35552: Substituted service— C&O for motor carriers. Filed by Central States Motor Freight Bureau, Inc., Agent (No. 26), for interested carriers. Rates on property loaded in trailers and

transported on railroad flat cars by named substituting rail carrier, between Chicago, Ill., on the one hand, and Cincinnati, Ohio and Detroit, Mich., on the other, on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff, I.C.C. 28, MF-I.C.C. 917.

FSA No. 35553: Substituted service—PRR for motor carriers. Filed by Central States Motor Freight Bureau, Inc., Agent (No. 27), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier (1) between Cleveland, Ohio, on the one hand, and Chicago and East St. Louis, Ill., on the other, and (2) between Pittsburgh, Pa., on the one hand, and Indianapolis, Ind., on the other, on traffic described in the application.

Grounds for relief: Motor truck

competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff I.C.C.

28, MF-I.C.C. 917.

FSA No. 35554: Substituted service— Erie Railroad for Liberty Motor Freight Lines, Incorporated. Filed by Central States Motor Freight Bureau, Inc., Agent (No. 28), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier between Leavittsburg, Ohio, and Hammond, Ind., on traffic described in the application.

Grounds for relief: Motor truck

competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff I.C.C. 28, MF-I.C.C. 917.

FSA No. 35555: Commodity rates from and to Counce, Tenn. Filed by O. W. South, Jr., Agent (SFA No. A3824), for interested rail carriers. Rates on various commodities (other than coal and coke), carload and less-than-carload between Counce, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Grouping and establishment of specific commodity rates from and to a new station.

from and to a new station. FSA No. 35556: Substitu

FSA No. 35556: Substituted service— C&O for Hajek Trucking Co., Inc. Filed by Hajek Trucking Co., Inc. (No. 1) for itself and The Chesapeake and Ohio Railway Company. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier between Chicago, Ill., on the one hand, and Cincinnati, Ohio, on the other, on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Hajek Trucking Co., Inc., tariff MF-I.C.C. 13. Supplement 15 to Hajek Trucking Co., Inc., tariff MF-I.C.C. 14.

By the Commission.

[SEAL] HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-5918; Filed, July 17, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 104]

BELT RAILWAY COMPANY OF CHICAGO

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Belt Railway Company of Chicago, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Belt Railway Company of Chicago, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

- (e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.
- (f) Effective date: This order shall become effective at 11:00 a.m., July 13, 1959.
- (g) Expiration date: This order shall expire at 11:59 p.m., July 27, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

1959.

INTERSTATE COMMERCE COMMISSION CHARLES W. TAYLOR, Agent.

[F.R. Doc. 59-5919; Filed, July 17, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 105]

CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago & Eastern Illinois Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Chicago & Eastern Illinois Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to

Issued at Washington, D.C., July 13, this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall

be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., July 13,

1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 27, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1959.

> INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR. Agent.

[F.R. Doc. 59-5920; Filed, July 17, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE-JULY

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